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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,123	05/02/2001	Somnath Mitra	CISCO-3574	6526

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EXAMINER	
DEANE JR, WILLIAM J	

ART UNIT	PAPER NUMBER
2642	4

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/848,123	Applicant(s) MITRA, SOMNATH	
	Examiner William J Deane	Art Unit 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 June 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 20 and 28 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 5,367,567 (Sugawara).

Note that Sugawara teaches a ring controller (Fig. 2, element 7) that determines when an exchange's ring generator has reached its capacity (Col. 1, lines 45 – 58). As can be seen, the ring controller of Sugawara monitors an available power level and determines if granting a ring request will exceed the available power level.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 11, 20 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugawara.

With respect to claims 1, 11, 20 and 28, Sugawara teaches the claimed device except the not ringing a candidate call if the candidate call will exceed the power limit. However, it would have been obvious to one of ordinary skill in the art to have

incorporated any means, after determining that a power limit has been exceeded, to insure that the system does not fail. For example, incorporating a means to increase the power limit or the use of an alternate power source or dropping a call or delaying a call until the use of power is within limits. These means cited above are all well known and would have been obvious to one of ordinary skill in the art.

In addition, with respect to claim 11, POTS phones and FXS port, such are so notoriously old in the art (see applicants Fig.) that it would have been obvious to one of ordinary skill in the art use them wherever it was deemed necessary.

Claims 2 – 3, 6 –7, 9, 12 – 16, 18, 22, 25 -26, 29 - 30, 33 – 34, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugawara in view of U.S. Patent No. 4,907,256 (Higuchi et al.).

With respect to claims 2, 12, 21 and 29, Sugawara teaches the claimed method and router as shown above, however the queuing aspect of the claim is not disclosed. Higuchi et al. teach that such is old in the art. Note that Higuchi et al. teach the queuing of calls when the number of calls exceeds the exchange's capacity (see Col. 3, lines 11 – 36 and Col. 4, lines 30 – 45). It would have been obvious to one of ordinary skill in the art to have incorporated such queuing means as taught by Higuchi et al. into the Sugawara method and device in order not to lose calls or overpower the exchange.

With respect to claims 3, 6 – 7, 13, 15 – 16, 22, 25 – 26, 30, 33 - 34 such is inherent in Sugawara.

With respect to claims 9,18 and 36 such steps if not inherent in Sugawara are obvious in light of the above.

With respect to claim 14, note LIFO unit of Higuchi et al.

Claims 4 - 5, 8, 10 17, 19, 23 – 24, 27, 31 - 32, 35 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugawara, Higuchi and further in view of applicant's admitted prior art.

With respect to claims 4, 23 and 31 Sugawara and Higuchi disclose the method and router as claimed except for the RING CAS. However, applicant teaches this is well known in the art (see page 13, lines 1 - 2 of the instant application). It would have been obvious to one of ordinary skill in the art use RING CAS, as that is the way things are done.

With respect to claims 5, 24 and 32, Sugawara and Higuchi disclose the method and router as claimed except for explicitly teaching the ring-back limitation. However, this also, is notoriously old in the art and inherent in the to applied references. In addition, applicant admits ring-back is old in the art (see page 17, lines 2 – 4). It would have been obvious to one of ordinary skill in the art use ring-back, wherever it was deemed necessary.

With respect to claims 8, 17, 27 and 35, Sugawara and Higuchi disclose the method and router as claimed except for explicitly teaching the timer limitation. Applicant discloses that such a timer as claimed is old in the art (see page 17, lines14 – 16). Timers are so notoriously old in the art that it would have been obvious to one of ordinary skill in the art to use a timer wherever it was deemed necessary.

With respect to claims 10, 19 and 37, Sugawara and Higuchi disclose the method and router as claimed except for explicitly teaching the REN limitation. However, this is

the way things are done. If this is not agreed, note page 14, lines 9 – 11 of the instant application. It would have been obvious to use a REN limit wherever it was deemed necessary.

Response to Arguments

Applicant's arguments filed 06/30/2004 have been fully considered but are not deemed persuasive.

Applicant argues that Sugawara does teach not ringing one or more candidate calls if said candidate calls will exceed the power limit. However, it is clear that after determining that the power limit will be exceeded the system does not ring a candidate call, at least until a standby generator is incorporated. Therefore, Sugawara does indeed teach not ringing a candidate call if the power limit is exceeded. Even if applicant would argue this point, as shown above, it would have been obvious to one of ordinary skill in the art to incorporate any means deemed necessary to insure the system does not fail.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (703) 306-5838. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (703) 872-9306.

18Sep04

WILLIAM J. DEANE, JR.
PRIMARY EXAMINER